

Office of Professional Accountability (OPA) Commendations & Complaints Report January 2004

Commendations:

Commendations Received in January: 57

Commendations Received to Date: 57

| Rank | Summary |
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| (2) Detectives | Two detectives completed multiple identity-theft investigations. Their partnership with other law-enforcement agencies, corporations and individual representatives strengthened and increased effectiveness in solving these and future crimes. |
| (3) Officers | Three officers volunteered to provide security at an association's annual meeting. Their efforts were commended for contributing to the overall success of the event. |
| (1) Sergeant (1) Officer | Residents appreciated the officer's immediate response and removal of a nuisance issue. The sergeant and officer kept the residents posted on the outcome and were extremely polite, sympathetic. |
| (1) Dispatcher | A dispatcher, provided with information on a suspect by a local police department, went above and beyond the expectations of her job. Due to her research, drive, determination and sound judgment the suspect was apprehended. |
| (2) Officers | Two officers apprehended a suspect that had outstanding felony warrants. The officers were professional and took the necessary steps to take the suspect into custody. |
| (1) Officer | An officer's interactions and humane treatment of a disturbed inebriated homeless individual was impressive. |
| (1) Latent Print Examiner | A latent print examiner was commended for his work and countless hours in reconstruction of tattered evidence. The examiner's commitment to excellence and diligence in the case led to eleven arrests, and the case being transferred to the FBI. |
| (2) Officers | Two officers made a presentation to at-risk high school students regarding careers in law enforcement. The officers were skillful and answered student questions. The Seattle Police Department deserves a thank you for supporting the education for at-risk youth in schools. |
| (1) Officer | An officer responded to a call regarding a vehicle blocking a private driveway. The officer's communication skills and personal ability to deal with people deserves recognition and is an outstanding reflection on the police department. |
| (1) Officer (1) Victim Advocate | An officer found an out-of-state visitor's purse. After an outstanding investigation by the officer, the stolen purse was returned. The victim appreciated the officer and victim advocate for their efforts. |
| (5) Dispatchers | Commendations were received for Communications personnel that dispatched and assisted in the intake of a 911 call regarding a suicidal threat following a domestic violence incident. The outstanding job was made possible by the excellent well-trained staff in the Communications Center. |
| (1) Officer | An officer met with local business owners on security matters. He helped identify and develop core themes and messages for a new educational video on awareness of a person's surroundings. The ideas offered greatly enhanced the ability to produce a program that benefits all communities. The company appreciated the officer's effort and contributions. |
| (1) Officer | An officer responded to a 911 call requesting assistance for an assault. The officer's prompt response and professional approach were significant in the prevention of further serious injuries. |

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| (1) Officer | A compliment to an officer that stopped an individual and proceeded to explain several driving errors. The officer had a calm professional demeanor when speaking and he deserved compliments for the way the situation was handled. |
| (1) Officer | A detective self-initiated investigative steps to coordinate with surrounding law-enforcement agencies led to an arrest. The agency expressed their thanks to the detective for a job well done. |
| (1) Sergeant (1) Officer | A letter of commendation was received for a sergeant and an officer that provided excellent community service. The officers resolved numerous safety issues for the surrounding businesses in Seattle's International District. |
| (11) Officers | Three suspects committed a burglary of a commercial business. A combined effort of 11 officers led to the suspects' location and capture. The actions showed great persistence and dedication to duty. All of the officers deserved commendations. |
| (1) Officer | An officer and SPD K9 were great ambassadors of law enforcement. The officer was very courteous, professional, assuring and able to answer a wide variety of questions. |
| (1) Officer | Kudos to an officer for assistance and advice on how to handle charges of a stolen vehicle. The individual was grateful for the officer's helpfulness. |
| (1) Officer | An officer made a presentation on personal safety at a health conference. He presented the material clearly and provided situational examples that the attendees could relate too. |
| (6) Officers | Appreciation was expressed to participating officers on a particular case regarding numerous arrests. Over twenty suspects were identified for stealing cars and burglarizing homes. |
| (1) Detective | A citizen thanked a detective for his perseverance and skills in solving a difficult and complex murder investigation. The detective's tenacity in pursuing the case and bringing the assailant to justice provided the community a safer environment. |
| (1) Detective | A detective received a commendation for the superb job in solving an identity theft complaint. The detective's dedication and determination was much appreciated. |
| (1) Officer | A local high school expressed their appreciation for a police officer assigned to monitor the school's safety program. The officer's communication with the school's staff has resulted in the utmost security for the safety of the students. |
| (1) Lieutenant | A lieutenant performed work in an exemplary manner and excelled when he problem solved a community dilemma. He is innovative, energetic and a dedicated problem-solver with a vision on how to make a process work better. |
| (1) Captain and (1) A/Sergeant | A north Seattle high school commended a captain and acting sergeant for the actions and assessment of a potential dangerous situation. The two set up a plan of action and command post while keeping a flow of communications throughout a potentially serious event. The situation was kept under control and resolved. |
| (1) Civilian | A citizen provided kudos to a victim advocate and commended the department for setting up this type of support system. The advocate was compassionate, understanding, informative, efficient and helpful. |
| (2) Officers | Two officers in the Crisis Intervention Unit were recognized as outstanding officers. During a presentation, they expressed the importance of identifying, working and providing preventative planning for people struggling with mental illness. |
| Numerous Communication Dispatchers | The Communication section employees were thanked and commended for their dedication to duty during the January snowstorm. The unique and varied efforts of all these employees to arrive at work on time and complete their critical assignments was admirable. |

January 2004 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

| Synopsis | Action Taken |
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| Complainant alleged the named employees used excessive force when they arrested him during the Torchlight Parade. | The evidence showed the complainant was not credible. No evidence supported his claim of injury. The complainant has a history of hostility and confrontation with the police. The named officers stated that no force was used. Finding – ADMINISTRATIVELY UNFOUNDED. |
| Complainant alleged officers used unnecessary force during contact with her while they were investigating an incident at the home of the complainant's neighbor. | The evidence does not support the allegations. A civilian witness in the apartment stated that the officers were nice, and that no force was used by the officer while he escorted the subject outside. Finding – UNFOUNDED. |
| Complainant alleged that unnecessary force had been used by the named officer during a traffic stop. It was also alleged that the named officer made an inappropriate comment later at the Precinct holding cell. | The evidence indicated that the officer used pepper spray on the complainant when the complainant failed to follow orders and was attempting to flee the scene. This use of force was documented and reported. However, the application of force did not follow current training standards. Finding-TRAINING REVIEW. The evidence did not establish by a preponderance whether or not the officer made the inappropriate comment. Finding– NOT SUSTAINED. |
| Complainant alleged the named officer used excessive force on the subject while he was on the ground and handcuffed. | The evidence showed that the subject was hostile and aggressive toward officers and was taken to the ground and handcuffed. The subject continued to be aggressive and spat on the named officer. The named officer admitted to using her foot to move the subject to prevent being spat upon. However, this response was unnecessary and excessive. The officer could have moved to a different position or called for assistance. Finding – SUSTAINED. |
| Complainant alleged that while participating as a legal observer at a demonstration, she was struck in the face with a bicycle, causing injury to her lip and mouth. | Based on the evidence, it is more likely than not that the complainant was struck with the bicycle while being pushed back by officers. The bikes were being held up and used as mobile fencing as part of a Department-sanctioned crowd control tactic. There is no evidence that any officer used unnecessary force or that the complainant was intentionally struck. Finding – EXONERATED. A recommendation for further additional review of this tactic was forwarded to the Chief of Police. |
| Complainant alleged the named officer grabbed him and used unnecessary force in arresting him for obstruction at a disturbance outside a downtown club. | The complainant's version of events differed significantly from that of the named and witness officer. The two officers documented the incident at the time and provided consistent statements. None of the potential witnesses called OPA-IS despite repeated attempts at contact. Finding – UNFOUNDED. |
| Complainant alleged she was pepper sprayed and arrested in retaliation for reading the named | The complainant was part of a large crowd involved in a fight disturbance outside a downtown club. The statements of the complainant and her acquaintances differ from those of the |

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| employee's name and badge number and for threatening to file a complaint. | named and witness officer. There are some inconsistencies in the accounts of the civilian witnesses. The force used by the named officer was documented and reported. Here, there is no reason to give greater weight to either account of what occurred. The allegation cannot be proved or disproved by the evidence. Finding – NOT SUSTAINED. |
| Complainant alleged the named officer failed to help the subject, who had been assaulted by other individuals outside a nightclub, and used unnecessary force while investigating the disturbance. | The evidence supports that the subject was engaged in a fight prior to the arrival of police. When officers arrived, the scene was chaotic and hostile. While trying to disperse the crowd, the subject charged the named employee, who used his arm to push the subject back. The subject was arrested for obstruction. He could not be located by OPA-IS investigators, but the precinct sergeant took a detailed statement from the subject the morning after the incident. Finding – EXONERATED. The only reason the assault on the complainant was not reported was due to the chaotic scene, and the subject's own belligerence and lack of cooperation. Finding – UNFOUNDED. |
| Complainant alleged unnecessary force was used on a subject during her arrest for violation of an anti-harassment order. | The evidence shows that the subject became violent while sitting in the back of the patrol car and began kicking the patrol car door. She was dragged from the car and onto the ground so handcuffs could be placed on her. The force was reported, screened, and documented. The named officer's actions were appropriate and within policy and guidelines. Finding – EXONERATED. |
| Complainant alleged the named officer used unnecessary force against her while serving a search warrant at her residence. | The evidence does not support the complainant's allegation. The on-scene sergeant, five witness officers, and the named employee all refute the complainant's allegation. There were at least two officers with the complainant at any given time. Booking photos indicate no marks to the face or neck, and the complainant made no complaint of force or injury. The credibility of both the complainant and her witness is highly questionable. There is no evidence of misconduct. Finding – UNFOUNDED. |
| Complainant alleged officer used unnecessary force when arresting him for narcotics outside a downtown club. | The evidence did not support the complainant's contention of unnecessary force. The alleged injury is not supported by the facts, and there is no evidence of officer misconduct. Finding - UNFOUNDED |
| Allegation that four named officers used unnecessary force in the arrest of a protester in an anti-war demonstration. | The evidence supported that the subject resisted arrest and sustained injuries during the struggle. The force used was documented, screened, and reported. It was determined that the force used by all officers was appropriate and reasonable. Finding – EXONERATED. |
| Complainant alleged named officers used unnecessary force. See * Conduct Unbecoming | Evidence did not support the allegations of unnecessary force. Finding – EXONERATED. |
| It was alleged the named officer used unnecessary force by twisting on the subject's arm during a traffic encounter. It was also alleged that the officer made derogatory remarks. | The officer was conducting traffic control on a street closed due to an injury accident. The evidence showed that the subject would not follow instructions to leave, and reportedly tried to disobey the officer's orders. The named officer did become verbally aggressive in response, but his actions were reasonable under the circumstances. Finding – Unnecessary Force -EXONERATED. The evidence did indicate that the named officer grabbed the |

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| | subject's hand and held his arm down until he provided a driver's license, but the named officer said this was to gain control of the subject's hand because he was pointing his finger in the officer's face. Finding –CUBO— EXONERATED. |
| Complainant alleged that named officers used unnecessary force against the subject, her son, when they removed him from a vehicle during a traffic stop, wrestled him to the ground, and tased him. | A thorough investigation was conducted. The evidence showed that based on the information the officers had at the time of the incident, the amount of force was reasonable and consistent based on their belief the subject may have been armed and was resisting their efforts to control him. The force used was documented and reported. Finding as to three officers – EXONERATED. The evidence did support a finding that the officer who applied the taser would benefit from additional training. Finding -- TRAINING REVIEW. In addition, a recommendation for review of Department policy and training was made and forwarded to the Training Unit. |

MISUSE OF AUTHORITY

| Synopsis | Action Taken |
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| Complainant alleged the named officer was rude when responding to a dispute between he and his neighbor, and misused his authority when he intervened on behalf of the complainant's neighbor due to a personal relationship. | The complainant's allegations were not substantiated. There was no evidence of any personal relationship between the officer and the neighbor. Finding – EXONERATED. The officer did not raise his voice or use profanity, but merely pointed out to the complainant the possible consequences were he to continue his behavior. Finding – UNFOUNDED. |

OBEDIENCE TO RULES

| Synopsis | Action Taken |
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| Complainant alleged the named parking enforcement officer put a small scratch on his vehicle with a tire chalking stick and failed to identify himself when asked. | Evidence did not establish by a preponderance whether the car was scratched by the chalking stick. Finding – NOT SUSTAINED. The parking enforcement officer did provide his name and serial number on the parking ticket issued to the complainant. Under the circumstances, this was sufficient. Finding – EXONERATED. |

CONDUCT UNBECOMING AN OFFICER

| Synopsis | Action Taken |
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| Complainant alleged the named officer bumped into him while riding past on a bicycle, causing injury. | The evidence showed that the named officer did bump into the subject while riding past him on his bike. The named officer stated the bump was purely accidental. The witness officer did not observe the bump, but rode back to the location and overheard the named officer apologizing to the subject. The named officer then told the witness officer that he accidentally bumped into the subject. The subject remained standing, and did not appear injured in any way. His contentions that he was seriously injured were not supported by evidence and were not credible. Finding – UNFOUNDED. |
| *Complainant alleged that the named officer made derogatory | Evidence substantiated that the named employee made a derogatory and unprofessional comment. Finding – |

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| comments during a response to a domestic disturbance. | SUSTAINED. |
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Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2003 Contacts

| | December 2003 | Jan-Dec 2003 |
|--|---------------|--------------|
| Preliminary Investigation Reports | 7 | 415 |
| Cases Assigned for Supervisory Review | 2 | 79 |
| Cases Assigned for Investigation (IS;LI) | 10 | 185 |
| Cases Closed | 9 | 82* |
| Commendations | 70 | 861 |

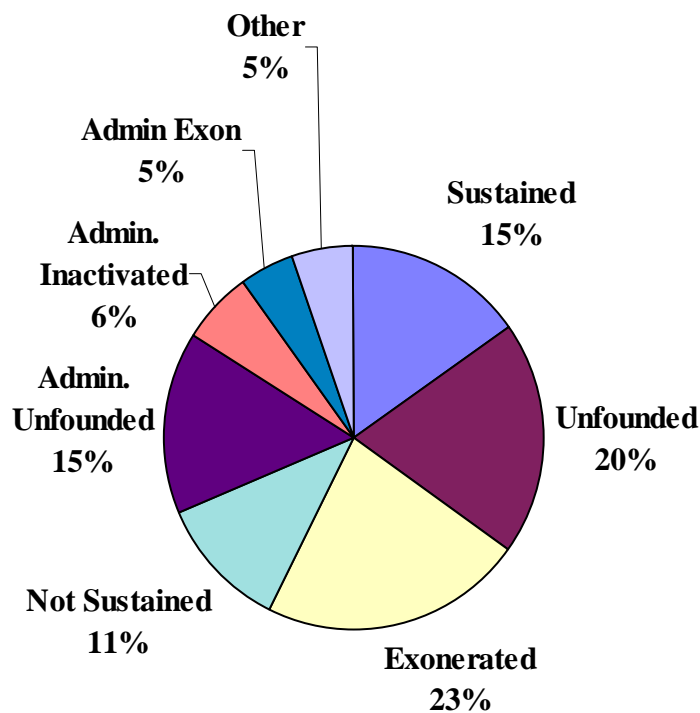
*includes 2003 cases closed in 2004

Dispositions of Allegations in Completed Investigations

2003 Cases

N=112 Allegations in 82 Cases

(as of 6 Feb 2004)



1. One case may comprise more than one allegation of misconduct.
2. Conduct Unbecoming an Officer allegations range from improper remarks/profanity to improper dissemination of information/records.

2004 Contacts

| | January 2004 | Jan-Dec 2004 |
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| Preliminary Investigation Reports | 28 | 28 |
| Cases Assigned for Supervisory Review | 3 | 3 |
| Cases Assigned for Investigation (IS;LI) | 14 | 14 |
| Commendations | 57 | 57 |